IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12339 of 2005

Between:

P. Yadaiah, S/o. Ramulu,
Hindu, Chinna Tummala Gudem Gram Panchayat, Narkatpalli Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Commissioner for Panchayat Raj, Government of Andhra Pradesh, Hyderabad.
2 The District Collector (Panchayat Wing), Nalgonda District, at Nalgonda.
3 The District Panchayat Officer, Nalgonda, Nalgonda District.
4 The Mandal Parishad Development Officer, Narkatpalli Mandal, Narkatpalli, Nalgonda District.
5 Executive Officer, Panchayat Raj & Rural Development, Narkatpalli, Nalgonda District.
6 Panchayat Secretary, Chinna Tummala Gudem Gram Panchayat, Narkatpalli Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the impugned order of the 2nd respondent vide Proceedings No. 1373/2004-A/Pts., dated 11-5-2005 as well as the consequential notice of the 4th Respondent vide Notice No. D/63/2005, dated 24-5-2005, as illegal, arbitrary, violative of principles of natural justice and contrary to the provisions of A.P. Panchayat Raj Act, and pass such other or further orders as are necessary.

Counsel for the Petitioner :MR.J.KANAKAIAH

Counsel for the Respondent No.: MR.R.PREM SAGAR

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the impugned order of the 2nd respondent vide proceedings No. 1373/2004-A/Pts, dated 11.5.2005 as well as the consequential notice of the 4th respondent vide Notice No. D/63/2005 dated 24.5.2005 as illegal, arbitrary, violative of principles of natural justice and contrary to the provisions of A.P. Panchayat Raj Act.

Brief facts of the case are that the petitioner got elected as Sarpanch of Chinna Tummala Gudem Gram Panchayat in the Panchayat elections conducted by Government of Andhra Pradesh. After assuming the charge, the petitioner taken steps for implementation of Government Programmes and also spent the funds provided by the Government to the Gram Panchayat for the said purposes. While so, Upa Sarpanch and some other people, who have changed recently to another political party, have made a complaint against the petitioner stating that the funds of the Gram Panchayat have been misused. Thereupon, a report was called from the Divisional Panchayat Officer, Nalgonda, and the Divisional Panchayat Officer submitted his report dated 20.1.2005. Basing on which, the 2nd respondent herein has issued a show cause notice to the petitioner on 7.3.2005 and in reply thereto, the petitioner submitted his explanation in detail requesting to drop further action in the matter. Instead of considering his explanation, the second respondent passed the impugned order dated 11.5.2005, authorizing the fourth respondent for recovery

of the alleged amount of Rs. 58,479/- within 45 days. In pursuance of the impugned order of the 2nd respondent, the fourth respondent issued impugned Notice No. 63/2005 dated 24.5.2005 asking the petitioner to deposit a sum of Rs. 58,479/- within 15 days, failing which action will be initiated for recovery of the said amount under the Provisions of A.P. Revenue Recovery Act. After receiving the said notice, the petitioner filed an appeal along with stay application, before the Commissioner of Panchayat Raj, but, no orders have been passed on the stay application till date. Hence, the present Writ Petition.

Considering the above facts and circumstances, without going into the merits of the case, I deem it appropriate to stay the operation of the notice issued by the fourth respondent vide Notice No. D/63/2005 dated 24.5.2005 with a further direction to the Commissioner of Panchayat Raj, Government of Andhra Pradesh to dispose of the appeal filed by the petitioner, within a period of four weeks form the date of receipt of a copy of this order, after affording an opportunity hearing to the petitioner, in accordance with law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

DATED: 13/06/2005

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To

1 The Commissioner for Panchayat Raj, Government of Andhra Pradesh, Hyderabad.
2 The District Collector (Panchayat Wing), Nalgonda District, at Nalgonda.
3 The District Panchayat Officer, Nalgonda, Nalgonda District.
4 The Mandal Parishad Development Officer, Narkatpalli Mandal, Narkatpalli, Nalgonda District.
5 Executive Officer, Panchayat Raj & Rural Development, Narkatpalli, Nalgonda District.
6 Panchayat Secretary, Chinna Tummala Gudem Gram Panchayat, Narkatpalli Mandal, Nalgonda District.

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